

# Draft

## PERMIT

**Permit No:** 200902102-KF

**Town/City:** New Haven

**Work Area:** New Haven Harbor off property located at the end of Waterfront Street

**Permittee:**

Motiva Enterprises, LLC.  
c/o Mr. Roger Leitch  
910 Louisiana Street  
Houston, TX 77002-4916

Pursuant to sections 22a-359 through 22a-363f of the Connecticut General Statutes ("CGS") and in accordance with CGS section 22a-98, and the Connecticut Water Quality Standards dated December 2002, a permit is hereby granted by the Commissioner of Environmental Protection ("Commissioner") to install three (3) breasting dolphins for marine commercial use as is more specifically described below in the SCOPE OF AUTHORIZATION, in New Haven Harbor off property identified as the "work area" above.

### **\*\*\*\*\*NOTICE TO PERMITTEES AND CONTRACTORS\*\*\*\*\***

**FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS PERMIT MAY SUBJECT THE PERMITTEE AND ANY CONTRACTOR TO ENFORCEMENT ACTIONS, INCLUDING PENALTIES AND INJUNCTIONS, AS PROVIDED BY LAW.**

### **SCOPE OF AUTHORIZATION**

The Permittee is hereby authorized to conduct the following work as described in application # 200902102-KF including five sheets of plans dated April 2009, submitted by the Permittee to the Commissioner and attached hereto, as follows:

1. install three breasting dolphins approximately 15' wide by 23' deep including a steel deck and fender as shown on sheets 3 through 5 of the attached plans hereto.

**UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE PERMITTEE ACCEPTS AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS PERMIT.**

### **SPECIAL TERMS AND CONDITIONS**

1. Except as specifically authorized by this permit, no equipment or material, including but not limited

to, fill, construction materials, excavated material or debris, shall be deposited, placed or stored in any wetland or watercourse on or off-site, nor shall any wetland or watercourse be used as a staging area or accessway other than as provided herein.

2. Prior to the commencement of work authorized herein, the Permittee shall install a turbidity curtain extending from the water surface to 10' below the water's surface around the work area. Such sediment control structures shall be maintained in optimal operating condition until project completion at which time the sediment control devices shall be removed to an upland location.
3. The Permittee shall dispose of aquatic sediments in accordance with the terms and conditions of this permit. All waste material generated by the performance of the work authorized herein shall be disposed of by the Permittee at an upland site approved for the disposal of such waste material, as applicable.
4. Not later than two weeks prior to the commencement of any work authorized herein, the Permittee shall submit to the Commissioner, on the form attached hereto as Appendix A, the name(s) and address(es) of any contractor(s) employed to conduct such work and the expected date for commencement and completion of such work.
5. The Permittee shall give a copy of this permit to the contractor(s) who will be carrying out the activities authorized herein prior to the start of construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The Permittee's contractor(s) shall conduct all operations at the site in full compliance with this permit and, to the extent provided by law, may be held liable for any violation of the terms and conditions of this permit.
6. On or before (a) 90 days after completion of the work authorized herein, or (b) upon expiration of the work completion date or any authorized one year extension thereof, whichever is earlier, the Permittee shall submit to the Commissioner "as-built" plans prepared and sealed by a licensed engineer, licensed surveyor or licensed architect, as applicable, of the work area showing all tidal datums and structures.

#### **GENERAL TERMS AND CONDITIONS**

1. All work authorized by this permit shall be completed within five years from date of issuance of this permit ("work completion date") in accordance with all conditions of this permit and any other applicable law.
  - a. The Permittee may request a one-year extension of the work completion date. Such request shall be in writing and shall be submitted to the Commissioner at least 30 days prior to said work completion date. Such request shall describe the work done to date, work which still needs to be completed and the reason for such extension. The Commissioner shall grant or deny such request at her sole discretion.
  - b. Any work authorized herein conducted after said work completion date or any authorized one year extension thereof is a violation of this permit and may subject the Permittee to enforcement action, including penalties, as provided by law.

2. In conducting the work authorized herein, the Permittee shall not deviate from the attached plans, as may be modified by this permit. The Permittee shall not make de minimis changes from said plans without prior written approval of the Commissioner.
3. The Permittee shall maintain all structures or other work authorized herein in good condition. Any such maintenance shall be conducted in accordance with applicable law including, but not limited to, CGS sections 22a-28 through 22a-35 and CGS sections 22a-359 through 22a-363f.
4. Prior to the commencement of any work authorized hereunder, the Permittee shall cause a copy of this permit to be given to any contractor(s) employed to conduct such work. At the work area the Permittee shall, whenever work is being performed, make available for inspection a copy of this permit and the final plans for the work authorized herein.
5. The Permittee shall notify the Commissioner in writing of the commencement of any work and completion of all work authorized herein no later than three days prior to the commencement of such work and no later than seven days after the completion of such work.
6. In undertaking the work authorized hereunder, the Permittee shall not cause or allow pollution of wetlands or watercourses, including pollution resulting from sedimentation and erosion. For purposes of this permit, "pollution" means "pollution" as that term is defined by CGS section 22a-423.
7. Upon completion of any work authorized herein, the Permittee shall restore all areas impacted by construction, or used as a staging area or accessway in connection with such work, to their condition prior to the commencement of such work.
8. Any document required to be submitted to the Commissioner under this permit or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:

Permit Section  
Office of Long Island Sound Programs  
Department of Environmental Protection  
79 Elm Street  
Hartford, Connecticut 06106-5127  
(860) 424-3034  
Fax # (860) 424-4054

9. The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or a Connecticut or federal holiday.

10. The work specified in the SCOPE OF AUTHORIZATION is authorized solely for the purpose set out in this permit. No change in the purpose or use of the authorized work or facilities as set forth in this permit may occur without the prior written authorization of the Commissioner. The Permittee shall, prior to undertaking or allowing any change in use or purpose from that which is authorized by this permit, request authorization from the Commissioner for such change. Said request shall be in writing and shall describe the proposed change and the reason for the change.
11. This permit may be revoked, suspended, or modified in accordance with applicable law.
12. This permit is not transferable without prior written authorization of the Commissioner. A request to transfer a permit shall be submitted in writing and shall describe the proposed transfer and the reason for such transfer. The Permittee's obligations under this permit shall not be affected by the passage of title to the work area to any other person or municipality until such time as a transfer is authorized by the Commissioner.
13. The Permittee shall allow any representative of the Commissioner to inspect the work authorized herein at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.
14. In granting this permit, the Commissioner has relied on representations of the Permittee, including information and data provided in support of the Permittee's application. Neither the Permittee's representations nor the issuance of this permit shall constitute an assurance by the Commissioner as to the structural integrity, the engineering feasibility or the efficacy of such design.
15. In the event that the Permittee becomes aware that he did not or may not comply, or did not or may not comply on time, with any provision of this permit or of any document required hereunder, the Permittee shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, the Permittee shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Permittee shall comply with any dates which may be approved in writing by the Commissioner. Notification by the Permittee shall not excuse noncompliance or delay and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically stated by the Commissioner in writing.
16. In evaluating the application for this permit the Commissioner has relied on information and data provided by the Permittee and on the Permittee's representations concerning site conditions, design specifications and the proposed work authorized herein, including but not limited to representations concerning the commercial, public or private nature of the work or structures authorized herein, the water-dependency of said work or structures, its availability for access by the general public, and the ownership of regulated structures or filled areas. If such information proves to be false, deceptive, incomplete or inaccurate, this permit may be modified, suspended or revoked, and any unauthorized activities may be subject to enforcement action.
17. The Permittee may not conduct work waterward of the high tide line or in tidal wetlands at this permit site other than the work authorized herein, unless otherwise authorized by the Commissioner

pursuant to CGS section 22a-359 et. seq. and/or CGS section 22a-32 et. seq.

18. The issuance of this permit does not relieve the Permittee of his obligations to obtain any other approvals required by applicable federal, state and local law.
19. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the Permittee and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:  
"I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."
20. This permit is subject to and does not derogate any present or future property rights or powers of the State of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the property or activity affected hereby.

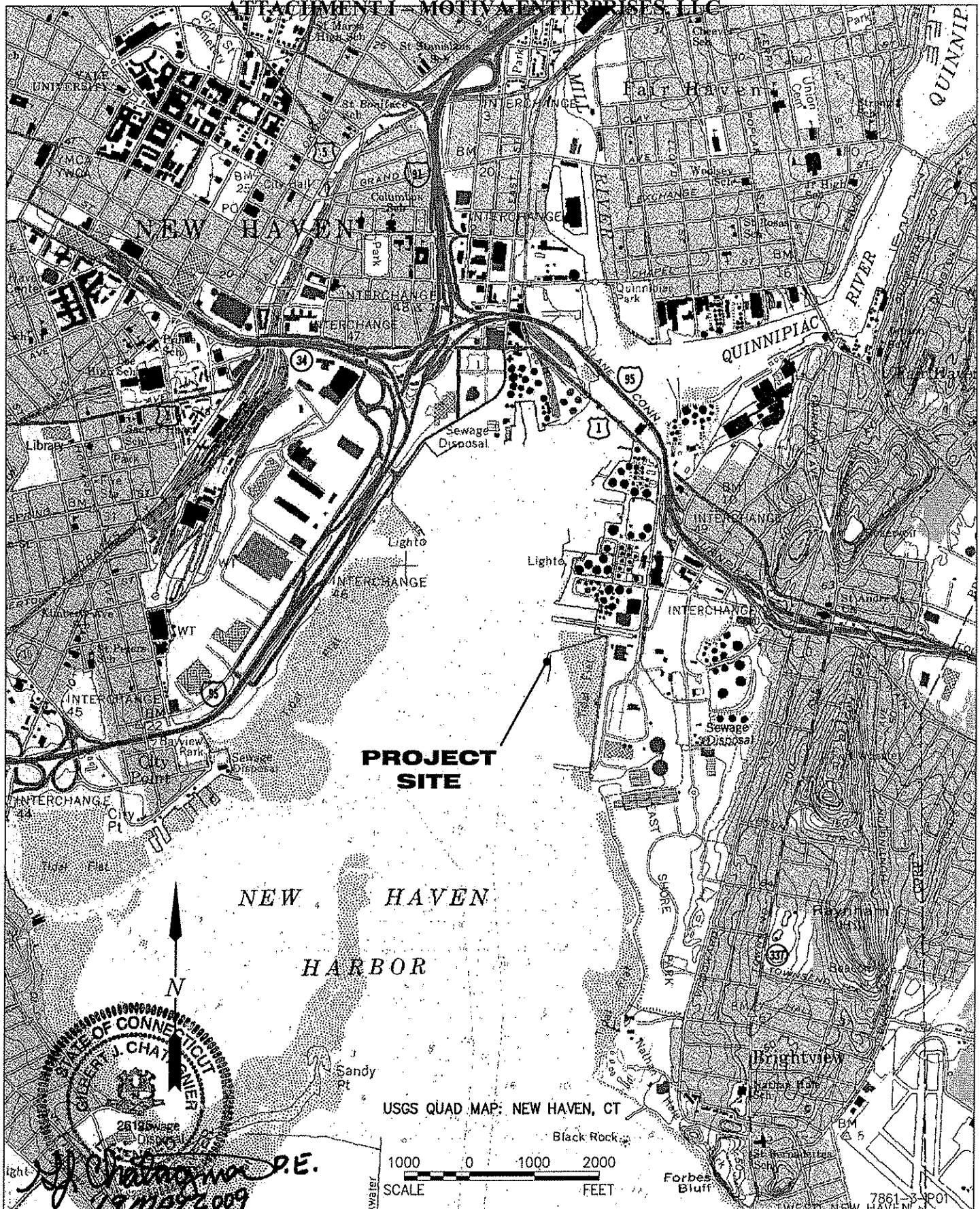
Issued on \_\_\_\_\_, 2009

STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

\_\_\_\_\_  
**Amey W. Marrella**  
**Acting Commissioner**

**Permit Application No.** 200902102-KF  
Motiva Enterprises, LLC.

Certified Mail # \_\_\_\_\_



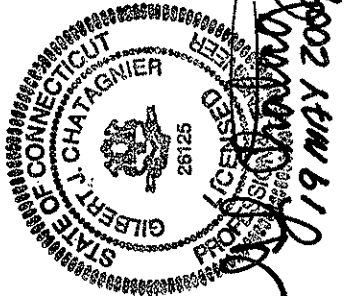
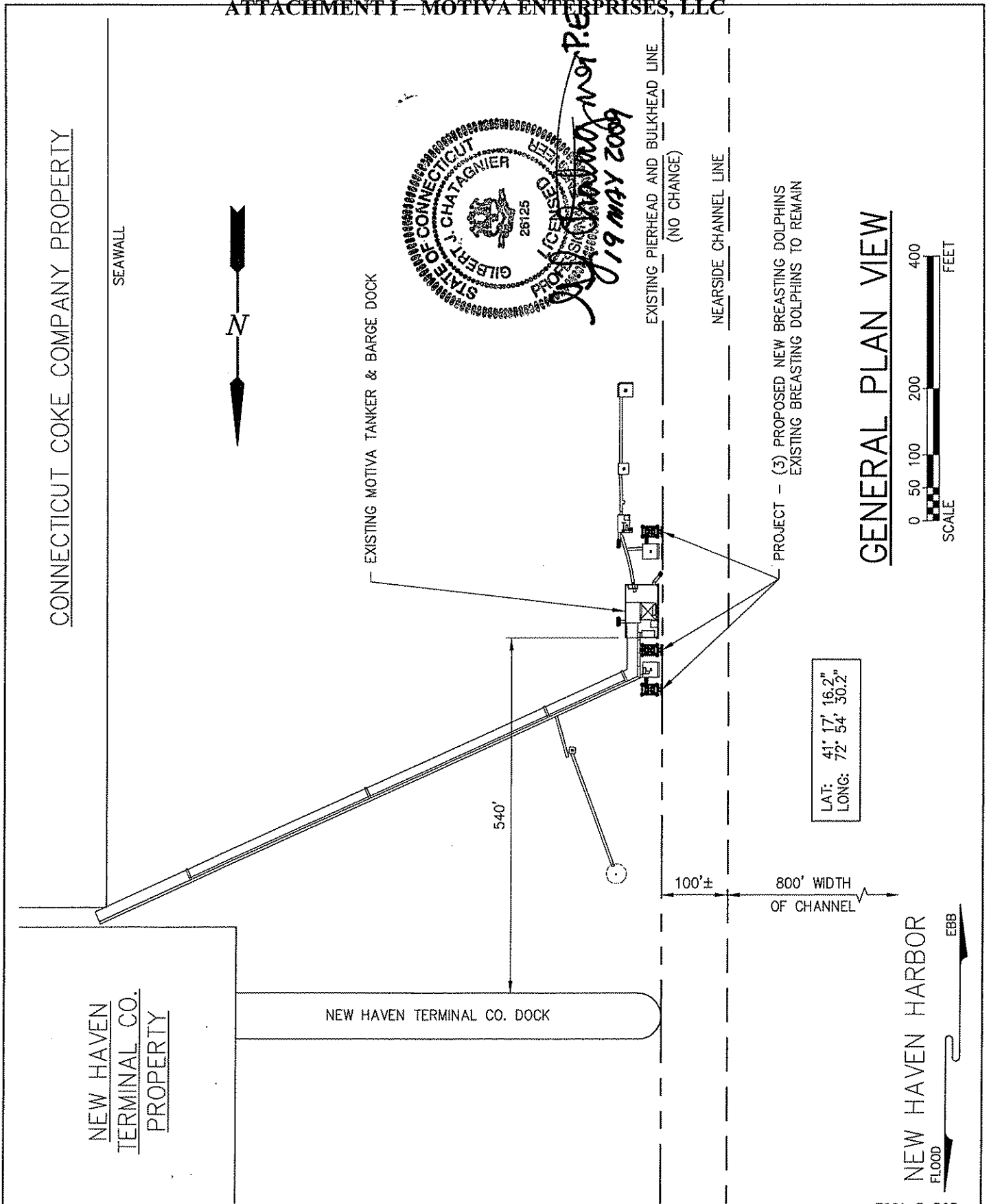
**LANIER & ASSOCIATES**  
CONSULTING ENGINEERS  
INCORPORATED

NEW ORLEANS, LA      BEAUMONT, TX

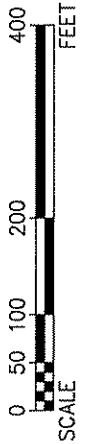
**MOTIVA ENTERPRISES**  
NEW HAVEN      CONNECTICUT

**TANKER AND BARGE DOCK FACILITY  
PROPOSED PIER IMPROVEMENTS  
VICINITY MAP**

DATE APR. 2009  
DESIGN BMB  
DRAWN CAP  
CHECK BMB  
CONTRACT 7681  
SHEET No. 1 OF 5




# GENERAL PLAN VIEW



LAT: 41° 17' 16.2"  
LONG: 72° 54' 50.2"

7681-3-P03

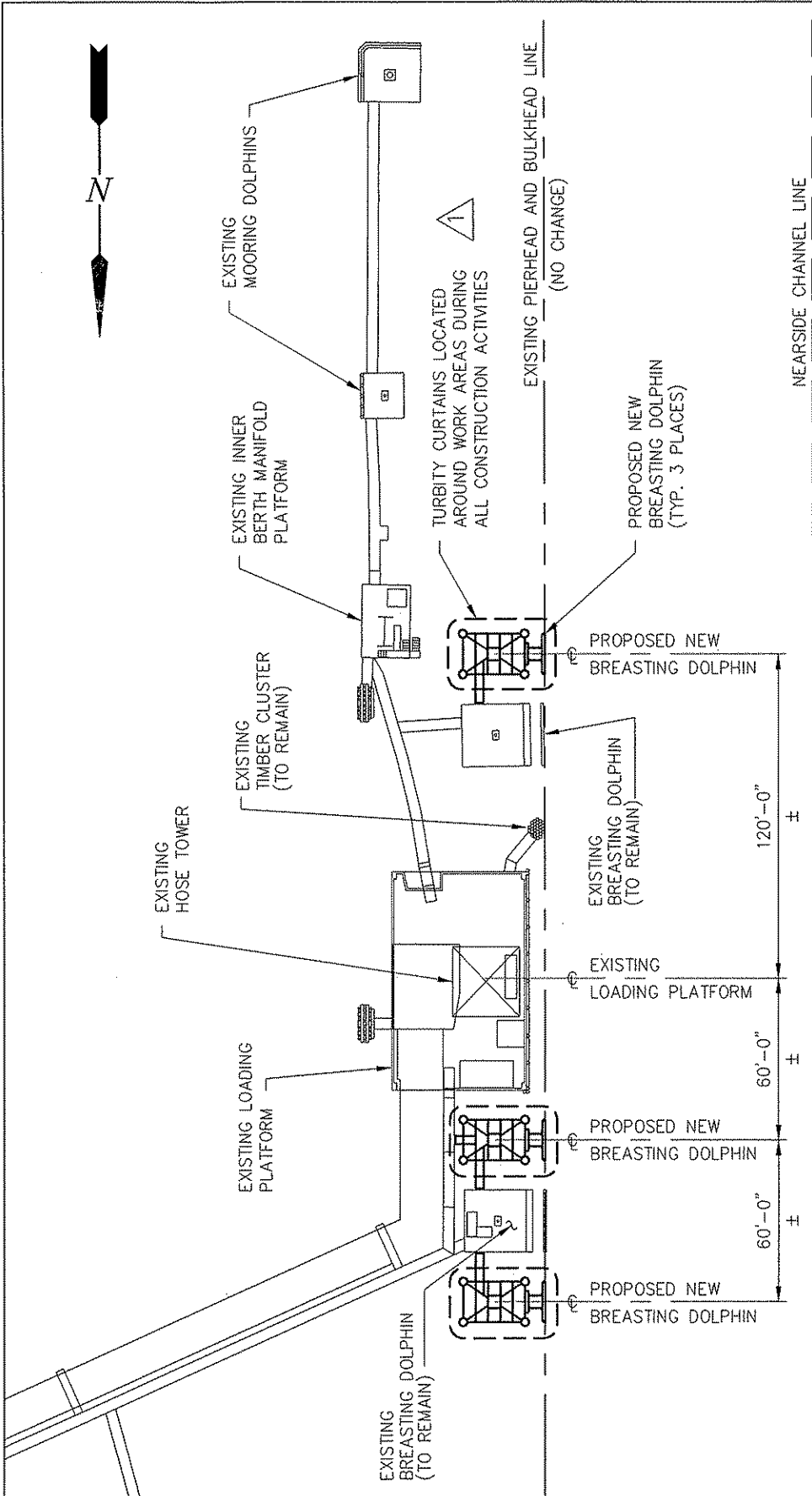


**LANIER & ASSOCIATES**  
CONSULTING ENGINEERS  
INCORPORATED

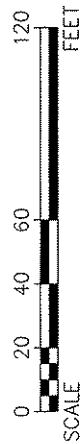
NEW ORLEANS, LA      BEAUMONT, TX

<b>MOTIVA ENTERPRISES</b>	
NEW HAVEN	CONNECTICUT
<b>NEW HAVEN TERMINAL PROPOSED DOCK RENOVATIONS GENERAL PLAN VIEW</b>	

DATE	APR. 2009
DESIGN	BMB
DRAWN	CAP
CHECK	BMB
CONTRACT	7681
SHEET No.	
2	OF 5

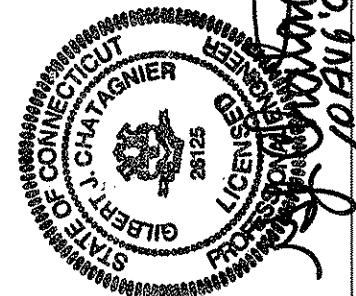


# DETAILED PLAN VIEW



NEW HAVEN HARBOR  
FLOOD EBB

ADDED TURBIDITY CURTAINS



7861-3-P04



**LANIER & ASSOCIATES**  
CONSULTING ENGINEERS  
INCORPORATED

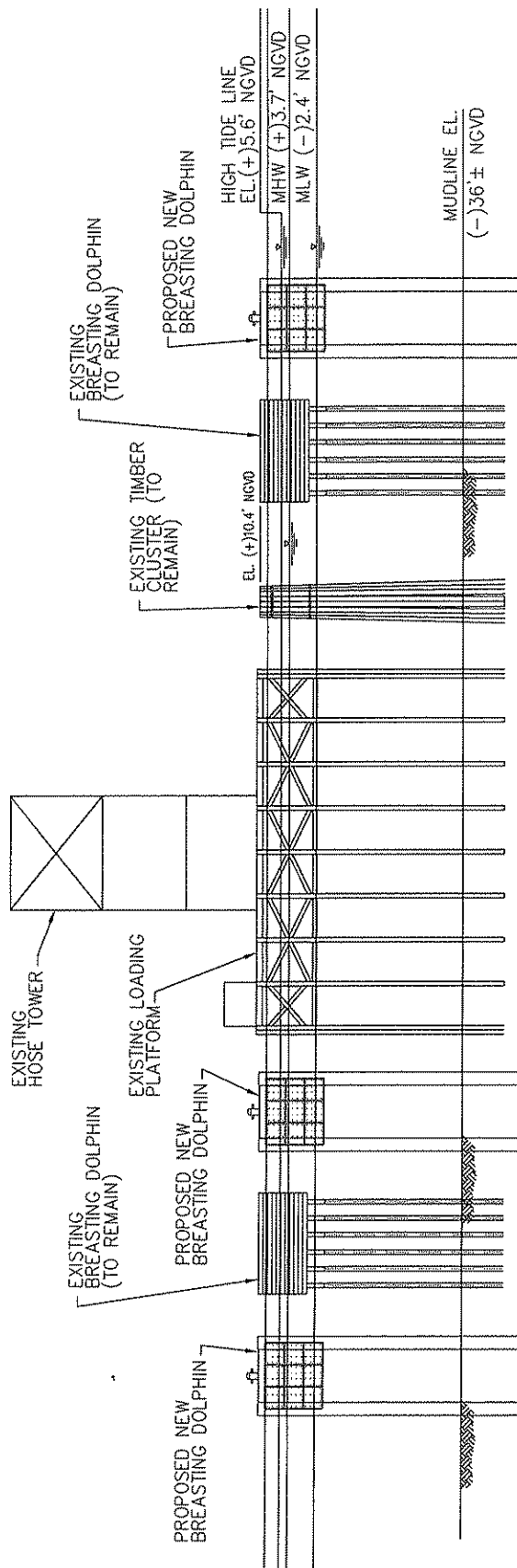
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**MOTIVA ENTERPRISES**  
NEW HAVEN CONNECTICUT

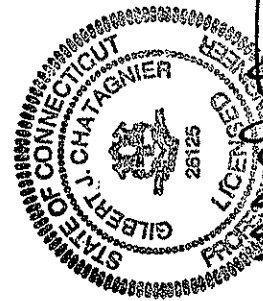
**TANKER AND BARGE DOCK FACILITY  
PROPOSED PIER IMPROVEMENTS  
DETAILED PLAN VIEW**

DATE APR. 2009  
DESIGN BMB  
DRAWN CAP  
CHECK BMB  
CONTRACT 7681  
SHEET No.  
3 OF 5





FRONT DOCK ELEVATION



*[Signature]*  
19 MAY 2009

7861-3-P05



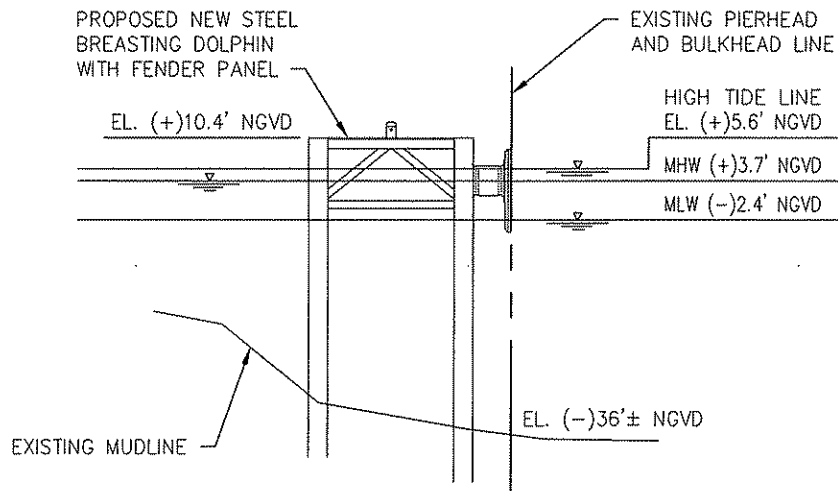
**LANIER & ASSOCIATES**  
CONSULTING ENGINEERS  
INCORPORATED

NEW ORLEANS, LA • BEAUMONT, TX

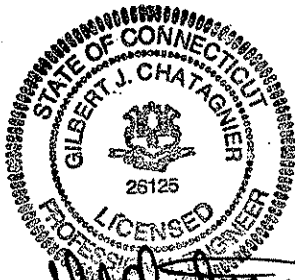
NEW HAVEN **MOTIVA ENTERPRISES** CONNECTICUT

**TANKER AND BARGE DOCK FACILITY  
PROPOSED PIER IMPROVEMENTS  
FRONT ELEVATION**

DATE	APR. 2009
DESIGN	BMB
DRAWN	CAP
CHECK	BMB
CONTRACT	7681
SHEET No.	
	4 OF 5



## SIDE ELEVATION AT PROPOSED NEW BREASTING DOLPHIN



*G. Chatagner P.E.*  
19 MAY 2009



7861-3-P06



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INCORPORATED

NEW ORLEANS, LA BEAUMONT, TX

**MOTIVA ENTERPRISES**  
NEW HAVEN CONNECTICUT

**TANKER AND BARGE DOCK FACILITY  
PROPOSED PIER IMPROVEMENTS  
SIDE ELEVATIONS**

DATE APR. 2009  
DESIGN BMB  
DRAWN CAP  
CHECK BMB  
CONTRACT 7681  
SHEET No.

5 OF 5

**OFFICE OF LONG ISLAND SOUND PROGRAMS**

**APPENDIX A**

**TO: Permit Section  
Department of Environmental Protection  
Office of Long Island Sound Programs  
79 Elm Street  
Hartford, CT 06106-5127**

**PERMITTEE:**

Motiva Enterprises, LLC.  
c/o Mr. Roger Leitch  
910 Louisiana Street  
Houston, TX 77002-4916

**Permit No:** 200902102-KF, New Haven

**CONTRACTOR 1:**

Address:

Telephone #:

**CONTRACTOR 2:**

Address:

Telephone #:

**CONTRACTOR 3:**

Address:

Telephone #:

**EXPECTED DATE OF COMMENCEMENT OF WORK:** \_\_\_\_\_

**EXPECTED DATE OF COMPLETION OF WORK:** \_\_\_\_\_

**PERMITTEE:**

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(date)